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असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

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NEW DELHI, TUESDAY, MARCH 26, 1996/CHAITRA 6, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate pagling is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 26th March, 1996/Chaitra 6, 1918 (Saka)

THE COAL MINES PROVIDENT FUND AND MISCELLANEOUS PROVISIONS (AMENDMENT) ORDINANCE, 1996

No. 12 of 1996

Promulgated by the President in the Forty-seventh Year of the Republic of India.

An Ordinance further to amend the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948.

WHEREAS the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1995 has been introduced in Parliament but has not yet been passed;

AND WHEREAS for giving effect to the provisions of the said Bill, the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Ordinance, 1996 was promulgated by the President on the 5th day of January, 1996;

AND WHEREAS the said Bill for replacing the said Ordinance has not yet been passed

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Second Ordinance, 1996.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of long title of
Act 46 of
1948.

2. In the long title to the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (hereinafter referred to as the principal Act), for the words "Family Pension Scheme", the words "Pension Scheme" shall be substituted.

Amendment
of section 2.

3. In section 2 of the principal Act,—

(a) clause (ee) shall be omitted;

(b) after clause (g), the following clauses shall be inserted, namely:—

'(h) "Pension Fund" means the Pension Fund established under sub-section (2) of section 3E;

(i) "Pension Scheme" means the Coal Mines Pension Scheme framed under sub-section (1) of section 3E;

(j) "superannuation", in relation to an employee who is a member of the Pension Scheme, means the attainment, by the said employee, of such age as is fixed in the contract or conditions of service as the age on the attainment of which such employee shall vacate the employment.'

Substitution of
references to
certain
expressions by
certain other
expressions.

4. In the principal Act, for the expressions "Family Pension", "Family Pension Fund", "Family Pension Scheme" and "Coal Mines Family Pension Scheme", wherever they occur, the expressions "Pension", "Pension Fund", "Pension Scheme" and "Coal Mines Pension Scheme" shall respectively be substituted.

Substitution of
new section
for section 3E.

5. For section 3E of the principal Act, the following section shall be substituted, namely:—

Coal Mines
Pension
Scheme.

"3E. (1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Coal Mines Pension Scheme for the purpose of providing for—

(a) superannuation pension, retiring pension or permanent total disablement pension to the persons employed in any coal mine or class of coal mines to which this Act applies; and

(b) widow or widower pension, children pension or orphan pension and life assurance benefits, payable to the beneficiaries of such employees.

(2) Notwithstanding anything contained in section 3, there shall be established, as soon as may be after framing of the Pension Scheme, a Pension Fund into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme,—

(a) such sums, not exceeding one-fourth, of the amount payable to the Fund under sub-section (1) of section 10D as the employer's contribution as well as the employees' contribution, as may be specified in the Pension Scheme;

(b) such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, specify;

(c) the net assets of the Family Pension Fund as existed immediately before the establishment of the Pension Fund; and

(d) any other contribution which may be made to the Pension Fund with the previous approval of the Central Government.

(3) On the establishment of the Pension Fund, the Family Pension Scheme (hereinafter referred to as the ceased scheme) shall cease to operate and all assets of the ceased scheme shall vest in, and shall stand transferred to, and all liabilities under the ceased scheme shall be enforceable against, the Pension Fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits, not less than the benefits, they were entitled to under the ceased scheme, from the Pension Fund.

(4) The Pension Fund shall vest in and be administered by the Board in such manner as may be specified in the Pension Scheme.

(5) Any Scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the Second Schedule.”.

6. For section 4 of the principal Act, the following section shall be substituted, namely:—

“4. For the purposes of the Income-tax Act, 1961, the Fund shall be deemed to be a recognised Provident Fund within the meaning of Part A of the Fourth Schedule to that Act.”.

7. In section 10 of the principal Act, in sub-section (2B),—

(a) for the words and figures “the Code of Criminal Procedure, 1898”, the words and figures “the Code of Criminal Procedure, 1973” shall be substituted;

(b) for the word and figures “section 98”, the word and figures “section 94” shall be substituted.

8. In section 11 of the principal Act, for the words and figures “section 230 of the Indian Companies Act, 1913”, the words and figures “section 530 of the Companies Act, 1956” shall be substituted.

9. For the Second Schedule to the principal Act, the following Schedule shall be substituted, namely:—

Substitution of new section for section 4.

Fund to be recognised under Act 43 of 1961.

Amendment of section 10.

Amendment of section 11.

Substitution of new Schedule for the Second Schedule.

“THE SECOND SCHEDULE

[See section 3E(5)]

MATTERS TO BE PROVIDED FOR IN THE COAL MINES PENSION SCHEME

1. The employees or class of employees to whom the Coal Mines Pension Scheme shall apply and the time within which option to join that scheme shall be exercised by those employees to whom the said scheme does not apply.

2. The time within which the employees who are not members of the Family Pension Scheme under section 3E as it stood before the commencement of the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Second Ordinance, 1996 (hereinafter, in this Schedule, referred to as the amending Ordinance) shall opt for the Pension Scheme.

3. The portion of employers' contribution and employees' contribution to the Fund which shall be credited to the Pension Fund and the manner in which it is credited.

4. The Central Government's contribution and other contributions to the Fund which shall be credited to the Pension Fund and the manner in which it is credited.

5. The minimum qualifying service for being eligible for pension and the manner in which the employees may be granted the benefits of their past service under section 3E as it stood before the commencement of the amending Ordinance.

6. The regulation of the period of service for which no contribution is received.

7. The manner in which employees' interest will be protected against default in payment of contribution by the employer.

8. The manner in which the accounts of the Pension Fund shall be kept and investment of moneys belonging to Pension Fund to be made subject to such pattern of investment as may be determined by the Central Government.

9. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.

10. The forms, registers and records to be maintained in respect of employees required for the administration of the Pension Scheme.

5 of 1898.
2 of 1974.

7 of 1913.
1 of 1956.

11. The scale of pension and pensionary benefits and the conditions relating to grant of such benefits to the employees, the amount of life assurance payable under the Pension Scheme and the manner of such payment.

12. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

13. The manner in which the expenses incurred in connection with the administration of the Pension Scheme may be paid by the Central Government to the Board.

14. Nomination of persons for receiving pension and assurance amounts in the case of death of an employee.

15. Any other matter which is to be provided for in the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension Scheme.”

Ord.
5 of 1996.

10. (1) The Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Ordinance, 1996 is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Ordinance.

SHANKER DAYAL SHARMA,
President.

K.L. MOHANPURIA,
Secy. to the Govt. of India.